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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,196	11/07/2001	Hatsuo Nakao	960/121	4889

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EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,196

Applicant(s)

NAKAO ET AL.

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/04 & 5/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on May 13, 2004 has been entered. All claims 1-26 are pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 1, lines 6-7, the claimed "arranged on a side opposite to an output shaft side of the vehicle driving apparatus" is ambiguous and inaccurate. In fig.1, the drive shaft should be the element 2a. The drive shaft 2a has only one output side connected to the pulley 10 (fig.1). The auxiliary device 22 (fig.1) appears to connect to the output side of the shaft through pulley 10, 16 and belt 14 (fig.1). Therefore, the auxiliary element still connects to the output shaft side (not the side opposite to the output shaft side) as claimed.
- b. In claim 1, line 31, the "transmission" means in claim 1, line 31 is ambiguous. There is only the "automatic transmission" 6 (fig.1) disclosed. But the automatic

transmission 6 (fig.1) does not connect to the output shaft side (at pulley 10). It is not clear what transmission device the claim is directed to.

- c. Claims 21, 23, 25 are similarly rejected as explained in claim 1 above.
- d. Other claims are rejected as being dependent on the rejected base claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuzuki (US 6,018,198) in view of Omote et al (US 5,735,770) (enclosed IDS) and further in view of Yamada et al (US 5,942,862) and Yamada et al (US 5,909,094).

As per claim 1-3, 9-12, 18-26, Tsuzuki teaches a vehicle driving apparatus comprising: a motor generator connected to the engine (col.10, lines 10-22); a connecting mechanism connecting the motor generator to the engine (col.10, lines 30-31); a vehicle starting means, an engine starting means, and a travel mode power generating means (col.10, lines 56-64; col.12, lines 28-63; col.14, lines 38-67; col.16, lines 35-47). Tsuzuki further teaches connecting the transmission 40 (fig.1) to the output side of the shaft (the line connecting the engine 1 (fig.1)) with the transmission 6 (fig.1). Tsuzuki does not teach connecting the motor generator separately from the drive shaft; and does not explicitly suggest a connecting mechanism that

connects the motor to the auxiliary device, and a vibration suppressing means. However, Omote teaches connecting the motor generator 21 (fig.2) separately from the shaft 11 (fig.2) of the engine by means of the sun gear 33 (fig.2) (col.3, lines 20-35). Furthermore, Yamada '862 teaches connecting the auxiliary devices 104, 106 (fig.1) to either the engine 50 (fig.1) or the motor 30, 40 (fig.1) (abstract; col.7, lines 54-56; col.16, lines 34-54; col.17, lines 30-34) at the direction opposite to the engine (col.7, lines 54-56); and Yamada '094 teaches a vibration suppressing means (col.18, lines 61-67; col.19, lines 1-3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to connect the motor of Tsuzuki to the engine separately from the drive shaft and to incorporate the auxiliary device to the connecting mechanism of the motor, and to implement the vibration suppressing means of Yamada to the driving device of Tsuzuki in order to facilitate separate stopping control to the motor and the engine and to maintain functioning of the auxiliary devices and to prevent vibration when the engine stops supplying power to the driving shaft.

As per claim 4-8, 13-17, the claimed structured of the rotation transmitting mechanism, the torque converter, the automatic transmission would have been well known.

Response to Arguments

5. Applicant's arguments filed on April 13, 2004 have been fully considered but they are not persuasive. The added limitations do not really show how the auxiliary connected to the output shaft. The claimed "on a side opposite to an output shaft" does not really show the relationship

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and position of the auxiliary device to the output side of the shaft. The claimed transmission in line 31 of claim 1 is confusing (refer to the 35 USC 112 2nd paragraph rejection above for clearer explanation). Therefore the added limitation does not really have patentable weight. Further, Tsuzuki teaches a transmission 40 (fig.1) connected to the output side of the shaft, and Yamada '682 teaches the auxiliary device 104, 106 (fig.1) connected to an output side opposite to the engine (refer to the rejection in 35 USC 103 rejection above).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451

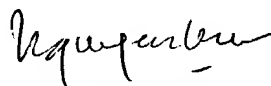
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1111.



THUY V. NGUYEN
PRIMARY EXAMINER

July 1, 2004